

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL ACTION NO. 1:09-CR-00017-GCM-DLH**

USA,

**Plaintiffs,**

**v.**

ALBERT CHARLES BURGESS,

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on Defendant's *pro se* Motion to Certify the Notice of Appeal Timely Filed in 1:12-cv-375 (Doc. No. 323) and Motion to Correct the Error of the Clerk and Notify the Fourth Circuit that the Appeal was Timely Filed (Doc. No. 326). Defendant has attached to his Motions a Notice of Appeal that was filed in his related civil case before this Court on April 17, 2015. (*Burgess v. United States*, 1:12-cv-375-GCM, Doc. No. 100).

Defendant's Notice of Appeal was properly docketed in the collateral civil proceeding. It does not relate to any orders in the instant matter. **IT IS THEREFORE ORDERED** that Defendant's Motion to Certify the Notice of Appeal Timely Filed in 1:12-cv-375 (Doc. No. 323) and Motion to Correct the Error of the Clerk and Notify the Fourth Circuit that the Appeal was Timely Filed (Doc. No. 326) are **DENIED**.

**SO ORDERED.**

Signed: April 4, 2016



Graham C. Mullen  
United States District Judge

